

REMARKS

Claims 1-4 and 10-22 were pending. Claims 3 and 10-22 have been canceled without prejudice. Claims 1, 2, and 4 have been amended. Upon entry, claims 1, 2, and 4 are pending.

Support for the amendment of claims 1 and 2 may be found in original claim 3. Claim 4 has been amended to change its dependency from claim 3, now canceled, to claim 2. Applicants maintain that the amendments do not raise an issue of new matter. Entry of this Amendment is respectfully requested.

A Request for Correction of Inventorship Under 37 CFR 1.48(b) and an Information Disclosure Statement accompany the filing of this paper.

Claims 1 and 2 have been amended to distinguish over French Special Medicament Patent No. 5.035 M (Carlo Erba, S.P.A.), 1967. Erba teaches the conversion of β -(p-benzyloxybenzoyl)-propionic acid to γ -(p-benzyloxyphenyl)-butyric acid, and states that γ -(p-benzylthiophenyl)-butyric acid is prepared in the same fashion (Example 3). γ -(p-benzylthiophenyl)-butyric acid and other compounds of Erba's general formula are said to have anti-inflammatory, analgesic, and anti-pyretic activity (Résumé: p. 4, right column, penultimate paragraph; and numbered paragraph 1 bridging pp. 4-5). Erba does not disclose or suggest compounds in which variable A (referring to the nomenclature of this application) is a substituted phenyl, much less in which it is 2,6-dimethylphenyl.

Claims 10-22 have been provisionally rejected on grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-5, 7, 9-11 and 67 of copending Application No. 11/535,779 and over claims 1-7, 9-12 and 14 of copending Application No. 11/841,508. The double patenting rejections are respectfully traversed.

Without conceding the correctness of the double patenting rejections and solely to advance prosecution, claims 10-22 have been canceled. The double patenting rejections are now moot and should be withdrawn.

Applicants submit that this application is now in condition for allowance. Reconsideration and withdrawal of all rejections, and prompt notice of allowance, are respectfully requested.

No fee, other than the fees in connection with the Request for Correction of Inventorship and the Information Disclosure Statement, is believed necessary in connection with the filing of this Amendment. If any additional fee is required, the Commissioner is hereby authorized to charge the amount of such fee, or to refund any overpayment, to Deposit Account No. 50-1677.

Respectfully submitted,

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